

### **REMARKS**

In response to the Examiners request in the Notice of Non-Compliant Amendment under 37 CFR 1.121, Applicant hereby submits the previous claim amendments with the correct claim status identifier for claims 2 and 3. No other changes are present.

Claims 1-43 are pending in this application. Claims 3, 5-16, 17 and 25-43 are withdrawn. Applicant timely traversed the restriction (election) requirement in the reply filed on 3/22/2007. Claim 17 has been determined by the Examiner as withdrawn from prosecution. Claim 24 recites a number of conditions that can be considered to be acute inflammatory lung diseases, such as asthma, allergic bronchitis and reactive airway disease syndrome, and so is being examined as drawn to the elected species.

Claims 1, 2, 4, and 18-24 are under consideration as drawn to FoxA2 protein, treatment of acute inflammatory lung disease.

### **CONCLUSION**

Based on the foregoing amendments and previously filed remarks and Declarations under 37 CFR 1.132, it is submitted that the present application is now in form for allowance. Therefore, early reconsideration and allowance of the claims, as currently pending, are solicited.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

JEFFREY A. WHITSETT



By

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Application No. 10/772,716  
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